

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ERNEST WHITE : CIVIL ACTION
: :
: v. :
: :
MICHAEL J. ASTRUE, : :
Commissioner of Social Security, : NO. 06-1391

O R D E R

AND NOW, this 17th day of July, 2007, upon consideration of the pleadings and the record herein, and after review of the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey dated June 13, 2007, no objections having been filed, **IT IS HEREBY ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey dated June 13, 2007, is **APPROVED** and **ADOPTED**;
2. **JUDGMENT** is entered **REVERSING** the decision of the Commissioner of Social Security for the purposes of this remand only and the relief sought by Plaintiff is **GRANTED** to the extent that the matter is remanded for further proceedings consistent with this adjudication;
3. Plaintiff's Motion for Summary Judgment (Docket No. 5) is **DISMISSED** as moot;
4. The Defendant's responsive pleading (Docket No. 9) is **RECHARACTERIZED** as the Defendant's Response to Request for Review;
5. The case is **REMANDED** to the Commissioner of the Social Security Administration in accordance with the fourth sentence of 42 U.S.C. § 405(g) for further proceedings consistent with the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey dated June 13, 2007; and

6. The Clerk of Court is directed to mark this case closed.

BY THE COURT:

/s/ John R. Padova

John R. Padova, J.